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In re Application of: WILLIAM A. DODD) **DECISION ON RENEWED PETITION**
Application No.: 10/065,467) **FOR ACCELERATED**
Filed: October 22, 2002) **EXAMINATION UNDER M.P.E.P.**
For: **FLEET MAINTENANCE METHOD**) **§708.02(VIII)**

This is a decision on the renewed petition, filed November 10, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant parts:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.
- (C) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references **deemed most closely related to the subject matter encompassed by the claims** if said references are not already of record; and
- (E) Submits a **detailed discussion** of the references, which discussion points out, with the **particularity** required by 37 CFR 1.111(b) and (c), **how** the claimed subject matter is patentable over the references.

Although Petitioner complies with the Decision on Petition mailed August 26, 2003 by omitting the deficient language "[t]he discussion and comments that follow are not intended to defend the patentability of the referenced patent application...", Petitioner's submission of the Renewed Petition is deficient in that it does not comply with the items (D) and (E) above:

(1) Petitioner does not submit a **detailed** discussion of the references **deemed most closely related to the subject matter encompassed by the claims**. Petitioner briefly discusses the references. Petitioner even states that “a brief discussion of each reference is provided to illustrate the field of search.” Thus, Petitioner does not comply with both items (D) and (E) above.

(2) Petitioner’s discussion does not “points out, with the **particularity** required by 37 CFR 1.111(b) and (c), **how** the claimed subject matter is patentable over the references.” Petitioner does not compare the references with subject matter claimed in the independent claim 1, limitation by limitation. Instead, Petitioner compares the references with subject matter which is not claimed. For example, Petitioner states that “the ‘729 patent does not describe a method for comparing sales and usage data claimed by the present application”: This method for comparing sales and usage data is not claimed, at least not in the independent claim 1. With respect to other references, such as US application publication No. US 2002/01614 A1 and the ‘242 publication, the same way of discussion is provided: Comparison of the references with subject matter which is not claimed in the independent claim 1.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.



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